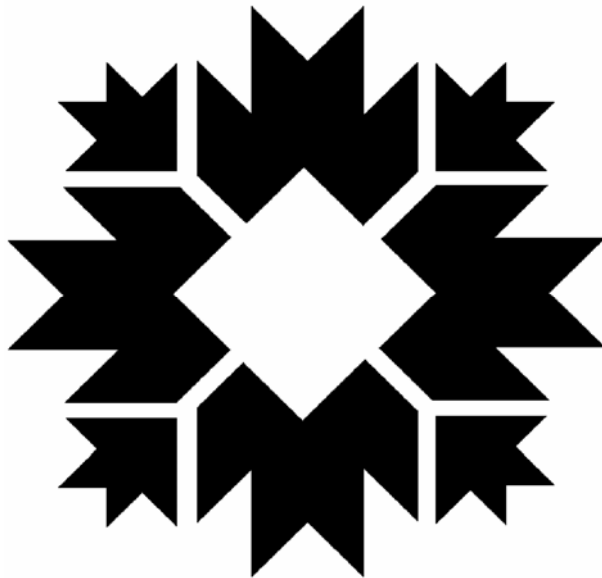


BLOOMINGTON HUMAN RIGHTS COMMISSION

2004 ANNUAL REPORT



City of Bloomington

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Table of Contents

Topic

Page No.

City Policy.....	1
Commissioners and staff	2
Chair's Report.....	3
Director's Report.....	5
Hate Incidents Report.....	8
Breakdown of New Complaints.....	12
Comparative Data.....	13
Summary of 2004 Cases.....	14
Public Inquiries.....	16
Essay Quotes.....	29
Steps in Processing Complaints.....	30
2004 Budget and Expenditures	31
2005 Meeting Dates.....	32
Former Commissioners	33

POLICY OF THE CITY OF BLOOMINGTON

It is the public policy of the City of Bloomington to provide all citizens equal opportunity for education, employment, access to public accommodations and acquisition through purchase or rental of real property including but not limited to housing, and to eliminate segregation or separation

based on race, religion, color, sexual orientation, sex, disability, national origin or ancestry, since such segregation is an impediment to equal opportunity. It is also the public policy of the City of Bloomington to prohibit discrimination in housing on the basis of familial status. Equal education and employment opportunities, equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be civil rights.

The practice of denying these rights to persons because of race, religion, color, sex, disability, sexual orientation, national origin, familial status or ancestry is contrary to the principles of freedom and equality of the City, and shall be considered as discriminatory practices. The promotion of equal opportunity without regard to race, religion, color, sexual orientation, sex, disability, or national origin, familial status or ancestry is the purpose of this Section.

It is also the public policy of the City to protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders and lending institutions from unfounded charges of discrimination.

BLOOMINGTON HUMAN RIGHTS COMMISSION

Bloomington Municipal Code §2.21.020, as amended

The Bloomington Human Rights Commission usually meets at 5:30 p.m. on the fourth Monday of each month, in the McCloskey conference room of the Showers Building, 401 N. Morton. Unless otherwise specified, meetings are open to the public.

BLOOMINGTON HUMAN RIGHTS COMMISSION

2004 OFFICERS

CHAIR

Carolyn Calloway-Thomas

VICE CHAIR

Pam Huggins

SECRETARY

Emily Bowman

COMMISSIONERS

NAME	TERM EXPIRES	APPOINTED BY
Byron Bangert	1/06	Council
Pamela Huggins	1/06	Council
Carolyn Calloway-Thomas	1/06	Mayor
Emily Bowman	1/06	Council
Jeff Harlig	1/05	Mayor
Nancy Metz	1/06	Mayor
Suzette Sims	resigned 9/04	Mayor

2004 STAFF

DIRECTOR/ATTORNEY: Barbara E. McKinney

SECRETARY: Barbara Toddy

VOLUNTEER: Karen Levy

BLOOMINGTON HUMAN RIGHTS COMMISSION

Report of the Chair, 2004

The mission of the Bloomington Human Rights Commission is to eliminate and prevent discrimination on the basis of race, religion, color, disability, ancestry, sex, sexual orientation or national origin in housing, education, employment or public accommodations. The Commission enforces the local law against discrimination (Bloomington Municipal Code 2.21.020). We work to prevent and eliminate discrimination by investigating and resolving human rights complaints through mediation (and when necessary litigation) and by providing education and advocacy in support of human rights issues. In accordance with the Human Rights Ordinance, Commission members are appointed by either the Common Council or by the Mayor for two-year terms.

The Commission began 2004 by welcoming our two newest commissioners, Nancy Metz and Suzette Sims, and by deciding to present the 2003 human rights awards to the Hon. Frank McCloskey (posthumously) and to the Bill of Rights Defense Committee. I was honored to present the awards to Roberta McCloskey, who accepted on behalf of her late husband, and to Isabel Piedmont, who accepted on behalf of the Bill of Rights Committee. Both recipients enhanced the lives of Bloomingtonians. Also at this first meeting of 2004, we agreed to write a letter to the Indiana state police, urging them to complete their investigation of the death of James Borden at the Monroe County Jail.

At the February meeting, we approved a number of changes to our official rules, bringing our rules into compliance with the ordinance. We also heard updates about the Chamber's Diversity Team and about Bloomington United, and agreed to sponsor a team in the VITAL quiz bowl. I'm pleased to report that our team, Rights Stuff, had its best ever showing, advancing to the semi-finals.

In March, we agreed to send a letter voicing our opposition to amending the constitution of the state or of the nation to ban same sex marriages. The letter also expressed our support of Indiana Equality's proposal to amend the state civil rights law to include sexual orientation and gender identity as protected classifications. We heard from Alan Loop, a Harrison County resident, who wanted to learn more about how we operate so he could share the information with like-minded people in his community.

At the April meeting, we heard that the essay/arts award ceremony, where Mayor Mark Kruzan presented awards to winners of our annual contest, had gone well. We discussed the sad case of Felix Chen and also the use of Tasers. We also heard from members of the public who were organizing a town meeting on justice and

poverty issues.

In May, we agreed to cosponsor a workshop on Title VI, the federal law that requires recipients of federal funds to provide interpreters. We discussed amending the human rights ordinance to include gender identity and/or language as protected classes. We agreed to participate in the Multicultural Festival in September on the courthouse square.

In June, we continued our discussion about adding language to the ordinance, debating if and how to make this amendment. We also agreed to cancel our July meeting. In July, however, we marched in the Fourth of July parade, distributing our activity books to approximately 1000 children.

At our August meeting, we talked more about adding gender identity and agreed on a format for our table at the Multicultural Festival. We approved the annual hate incidents report and the second quarterly report from our director.

In September, we talked about ways to improve our marketing of the BHRC, approved a revised nomination form for our human rights award, decided our theme for the 2005 essay/arts contest would be two-fold ("Tell Us What Getting Along in Our Diverse Community Means to You" for elementary and middle school students and "Is Separate Ever Equal?" for high school students). We also agreed to be a cosponsor for AIDS Day related activities.

In October, we accepted the director's third quarterly report and gave preliminary consideration to nominations for our human rights award. We agreed to cancel our November meeting and reschedule our December meeting so it wouldn't conflict with Christmas.

In December, we heard from members of the public about adding gender identity discrimination to the Bloomington Human Rights Ordinance, discussed the human rights award and agreed to cosponsor the annual Women's History Luncheon.

Respectfully submitted,

Carolyn Calloway-Thomas
Chair, BHRC

**BLOOMINGTON HUMAN RIGHTS COMMISSION
DIRECTOR'S REPORT 2004**

In 2004, the Bloomington Human Rights Commission continued to meet its two central, and related, objectives: to investigate complaints in a fair and timely manner and to sponsor a variety of educational programs. Investigating complaints always has to be a priority, but we know that the more educational programs we

organize, the fewer complaints we likely will have to investigate.

DISCRIMINATION COMPLAINTS: In 2004, five new cases were filed with us. As has been the practice since 1989, the volunteer members of the commission continued their sometimes difficult task of investigating these complaints and deciding if there is probable cause to believe that illegal discrimination occurred. The commissioners must weigh complicated and conflicting testimony, evaluate sometimes voluminous documentary evidence and apply the relevant law. Without fail, the commissioners accept this responsibility with the serious dedication it requires. I truly appreciate the opportunity to work with these spirited and hard-working volunteers.

Four of our new cases were employment cases. Two of these alleged sex discrimination; one sexual orientation discrimination; and one alleged disability discrimination. The fifth case alleged discrimination in public accommodations on the basis of race.

We found no probable cause to believe discrimination occurred in four cases in 2004, including two cases that were filed in 2003.

None of the complainants appealed our findings. At the end of 2004, we had three cases pending.

As in past years, we continue to receive many complaints about alleged discrimination that occurred outside of our jurisdiction. In these cases, we typically refer the complainant directly to the agency that has jurisdiction. Time permitting, we meet with the complainant, prepare a complaint and file it with the appropriate agency. In 2004, we referred forty-five complainants directly to the Equal Employment Opportunity Commission (the federal civil rights agency) and filed twenty complaints with that agency. We referred eight people directly to the Indiana Civil Rights Commission (the state civil rights agency).

Under the Bloomington Human Rights Ordinance, all city bidders with bids of more than \$10,000 are required to submit affirmative action plans to the BHRC staff for approval. In 2004, I reviewed and approved sixty-seven affirmative action plans. I did not find any plans to be unacceptable, so we had no appeals.

The BHRC staff also is responsible for making sure that city contractors pay their employees common wages for work done on covered city projects. Almost all federally-funded projects are covered by common wage laws pursuant to federal law; all city-funded projects costing more than \$150,000 are covered as well, pursuant to state law. In 2004, I attended four preconstruction or pre-bid conferences, explaining to contractors their responsibilities under applicable laws. Barbara Toddy monitored compliance with these laws by reviewing wage documentation,

writing letters to employees and conducting on-site visits. She closed ten contractors' files in 2004.

I serve as the City's Americans with Disabilities Act compliance officer, making sure that the City, as an employer, a governmental entity and a provider of public accommodations, is meeting or exceeding its requirements under the ADA. In addition, I try to be a resource for citizens wanting to know what the law requires and for businesses with questions about their responsibilities. Under our accessibility-complaint system, people who feel a local entity is not complying with the ADA complete a form explaining the problem. If I agree that there is a question about the entity's compliance with the ADA, I send the entity a letter, explaining the law and its requirements. I also explain that I do not enforce the ADA; the Justice Department or another federal agency (depending upon the nature of the complaint) does. If the problem is not resolved, I refer the matter to the appropriate federal agency. Thus far, this program has been fairly successful. Many respondents make the necessary changes. A continuing problem, however, is that the federal agencies are backlogged, and if complaints must be filed with them, enforcement is slow. In the summer, Karen Levy, our intern, surveyed city parking lots to make sure they complied with the ADA. She found a number of problems which the city has corrected.

In my role as an assistant city attorney, I work with the Employee Services Department to make sure that the City is complying with applicable fair employment laws. I review our policies and procedures, provide assistance with internal grievances and when necessary represent the City when formal complaints have been filed.

EDUCATIONAL PROGRAMS: Our monthly newsletter, "Rights Stuff," ended its fifth full year of publication in 2004. We mail this newsletter to approximately 150 businesses, attorneys, social service agencies and individuals in Bloomington and throughout the state. We also leave copies at coffee houses, book stores and at the library. Its purpose is to inform readers of recent trends in civil rights law and to let the community know what we do. We continue to receive a good response from our readers, including other human rights commissions throughout the state.

As chair of the Greater Bloomington Chamber of Commerce's Diversity Team, I was pleased this year to help put together two handbooks, "Understanding Cultural Diversity for Fun and Profit" and "Making Places of Public Accommodations Accessible to All: A Step by Step Guide." Both handbooks were distributed free to anyone requesting a copy and both were well-received; the former was printed by MCCSC and the latter with a grant from ADA-Indiana. My sincere thanks to both groups for making it possible

to publish these handbooks.

We worked with several community groups to bring Arturo Garcia from the U.S. Health and Human Services Department to Bloomington, to conduct a workshop on providing services to people with limited English proficiency. About 40 agency and business representatives attended the workshop, leading us to plan additional related workshops in 2005. We continue to hear reports of problems encountered by our newest residents, particularly those from south of the border, at work and in housing. Often, the alleged victim does not want to file a formal complaint because of his legal status. We believe this may be a growing problem that demands ongoing community attention.

I gave six talks in 2004 to businesses and organizations on topics such as fair employment, diversity in the workplace and fair housing. These talks often lead to questions months or years later from participants, as they encounter situations in their workplace.

Our caseload in 2004 was the lowest since I became director in 1989. (The highest was 22 in 1991; our average is 12 ½ cases a year.) It's hard to know to what to attribute this but perhaps part of the reason is that our excellent handbooks are helping businesses better understand fair employment laws and diversity issues.

I was truly honored to receive two awards this year, the Chamber of Commerce's Extra Step Award and the Council for Community Accessibility's Mayor's Award. Awards tend to recognize individual accomplishments, but I could not have accomplished anything without the support of the members of the BHRC, the members of the Diversity Team or the help of my assistant, Barbara Toddy.

In the summer, we once again marched in the 4th of July parade. We distributed 1000 copies of our coloring book to kids along the parade route. Our entry was accompanied once again by a large wood rainbow that symbolizes Bloomington's diversity.

Our fall activities included staffing a table at the Multicultural Festival and co-sponsoring AIDS Day activities.

Respectfully submitted,
Barbara E. McKinney
Director, BHRC

BLOOMINGTON HUMAN RIGHTS COMMISSION
HATE INCIDENTS REPORT
July, 2003 - June, 2004

In August, 1990, the Bloomington Common Council unanimously approved an amendment to the Bloomington Human Rights Ordinance which gave the BHRC the authority to collect data and issue reports on hate incidents in our community. We accept reports from police departments, individuals, groups and the media. We also accept anonymous reports. Our goal is not to investigate these incidents, as we don't have the authority or resources to conduct investigations. Rather, our goal is to serve as a referral resource and sounding board for victims, to work with community groups to coordinate responses to hate incidents and to make the community more aware of the local nature of hate incidents through issuing annual reports.

In July, 2003, we received a report from an individual that the Bloomington Islamic Center sign had been split in half by vandals. The police investigated but had no suspects; they increased patrol in the area.

In July, 2003, we received a report about an incident at Peoples Park. An African American man and his wife were walking their dog in the park when a white woman, part of a small group, told him the dog should be on a leash. An argument ensued, during which the man was called a "n _ _ _" and his wife a "crack-headed b _ _ _ _ _". The couple tried to walk away; one member of the group knocked his hat off five times. The man pushed the woman away and another man pushed the African American man. The African American man punched both the woman and her male supporter and tried to drive away in his van. One of the women from the group grabbed a board and yelled, "I'm going to kill that n _ _ _ _ _". She broke off the van's mirror. The man who had shoved the African American man, and who had been punched in return, broke the van's windshield with his skateboard. The African American man then drove over the curb, hitting the man with the skateboard, and fled. The BPD arrested the African American for driving while intoxicated, punching two people and fleeing the scene of an accident. Charges were later dropped.

In July, 2003, we received a report from BPD that a white male customer had made rude comments to an African American cashier at a fast food restaurant about touching his food. He didn't object if a white employee touched his food. When a male cashier tried to intervene but stuttered while doing so, the customer mocked him. Then, the customer showed some type of badge and said, "I've locked up your kind before." He asked for his money back and got it. The African American woman quit her job before BPD could arrive.

In August, 2003, we received a report that a Latino who delivered pizzas had been threatened with a gun by a customer. The customer wanted his pizza to be free because it was delivered five minutes late, but the deliveryman said he couldn't do that.

The customer told the deliveryman that he (the deliveryman) was "a foreigner and should go back to [his] own country." The customer had taken the pizza without paying but then shoved it back, saying he didn't want it. He called the deliveryman a "foreigner" again; the deliveryman responded by calling him a "redneck." The deliveryman said that as he left, the customer told him to "get off my f_ _ _ _ _ property" and pointed a gun at him. The deliveryman was extremely distraught and called the police. The customer complained to the police that the restaurant had now sent two "foreigners" to his house with pizza and both had been late. He admitted pointing a gun, a BB gun that looked like a semi-automatic handgun, at the deliveryman. He was arrested.

In September, we received a report from BPD about an assault. A man at a party pointed to a photograph and said, "That guy looks like a f_ _ _ _ _." He was then struck by a fellow partygoer, receiving a gash to his forehead. Later, the person who hit the man bragged about it. When he was confronted by a friend of the victim's, he hit the friend. This time, the victim needed 30 stitches.

In October, we received a report from BPD about a dispute that began on a school bus. On the bus, one boy called another a "n_ _ _ _ _." When this boy got off the bus, he shoved two of the African American boy's cousins. The African American boy from the bus then punched the white boy in the mouth. BPD determined the punch had been provoked.

In October, we received a call from a woman who had heard that a group at a local high school was targeting blacks at the school. The rumor was that if black students attended school that day, they would be shot. BPD investigated.

In October, we received a report from BPD about a fight in an apartment. A white man at an African American friend's apartment used the word "n_ _ _ _ _" in front of his friend and other African Americans. The white man, who was intoxicated at the time, said he did not intend to use the term as a racial slur. Nevertheless, he was later physically attacked by one of the people at the apartment and had to go to the hospital. Criminal charges were filed.

In December, we received a report from BPD about a man who said he was racially harassed at work (not in Bloomington). The man said that someone kept calling him at work, saying "You wetback. You caused us trouble at work and we are going to cause you more. I am going to show up and fight you, beat you up and

cut you to pieces and send you back to Mexico." After these calls, the man was fired, allegedly for financial reasons. The police talked to the caller, who said that the first man had threatened him.

In March, we received several reports from BPD about threatening letters women with African American-sounding names had received. All the letters purported to be from the manager of a department store in Bloomington (but he did not send the letters) and all included racist comments. BPD had a suspect, a disgruntled former employee.

In January, 2004, we received a report from BPD about people at a fast food restaurant harassing several customers with mental disabilities. They called the customers "stupid," "retarded" and "f_ _ _ _ _ retards." When the customers and their assistants got up to leave, after restaurant employees were unable to quiet the offenders, the offenders threatened to "beat all your retarded a_ _ _ _ _ and kill your n_ _ _ _ _ a_ _ _ _ _." The offenders both had been drinking. They were charged with illegal consumption and intimidation.

In January, we received a report from BPD about a man who beat up his girlfriend. The man also attacked a friend of the girlfriend, calling him "f_ _ _ _ _" and insulting his ethnic heritage. The man was charged with two counts of battery.

In March, we received a report from BPD about an attack on two men. They said that they noticed their neighbors were having a party. Some people in the yard where the party was began yelling at the two men, calling them gay. One of the partygoers attacked the two men, causing injury to their jaws and chipping teeth in both men. Neither man wanted to press charges.

In April, we received a report from BPD about a swastika having been painted on a cul-de-sac. The person who reported it said he had called the police about noisy neighbors in the past, and thought they were the likely suspects. He thought the neighbors might think he's Jewish, but he's not. No arrests made.

In April, we received a report from BPD about a dispute in a parking lot. A young man said a young woman had called him a "f_ _ _ _ _." He told her this was hurtful and asked her to stop. She refused and kicked his drink, which spilled onto his cell phone. He told her to stop being so "bitchy" and she punched him. They had another dispute the next day, which led him to call the police. Her story was different; she said he called her a "bitch" and a "liar," and she accidentally kicked the drink. She said she didn't hit him but only pushed him. BPD referred the issue to juvenile probation.

In April, we received numerous reports that someone had painted swastikas and the word "Jew" on a Jewish student's car. The community held a rally in response, and funds were raised to repair the damage. BPD had no suspects.

In May, we received two reports from BPD about harassment of gays. The men, who shared an apartment, said the harassment included condoms on their door knob, trash and rotten food at their door, being called "homos, f_ _ , queers and c_ _ _ suckers" by people in their complex, a poster on their door with the word "f_ _" on it, dead animals on the hood of their car, a foul-smelling substance sprayed on their front door and sharp objects behind their tires. They had asked management if they could move to another building, but management was not receptive.

The manager asked why they hadn't gone to the police; the tenants were afraid things would get worse if they did. They finally called the police after someone shattered their windshield. A few days later, someone yelled, "Do you want it broke again?" After this report was made, someone spray-painted "f_ _ live here" on the sidewalk in front of their apartment. BPD had suspects for the graffiti. The tenants were planning to stay with friends until their lease expired. Through the BPD, we let the tenants know they had the right to file a complaint against the landlord for failing to stop the harassment.

In May, we received a report from BPD about a white landlord harassing and threatening an African American tenant. The landlord sent a letter to all of his tenants. He said nothing explicitly racial in his letter, but identified the African American tenant by apartment number and said that the tenant "is dangerous to the property, my investment and you. However, this is my personal opinion." He also wrote that he had decided to sell the property rather "than sending bullets into the head of a new resident, and spending the remainder of my life behind bars.

Hahaha. Wish I was kidding." The "new resident" he referred to was a white woman with whom he didn't get along. BPD was asked to provide extra patrols in the area.

In June, we received a report from BPD about a confrontation between a white man and an African American man. The two men had a history of problems with each other and with the police. When the African American man passed the white man's residence, walking his dog on a public sidewalk, the white man told him to get off his property and said, "I will kill you and put you in the ground." The white man denied these allegations. He said he was moving because of problems with the African American man, and said he had placed a black jockey in his yard only because he was in the process of moving. The police thought he might have placed the jockey in a publicly visible place to provoke the African American man.

BREAKDOWN OF BHRC COMPLAINTS
1998 - 2004

	1998	1999	2000	2001	2002	2003	2004
EMPLOYMENT	14	19	11	8	8	7	4
Race discrimination	3	6	1	2	2	2	0
Disability discrimination	0	1	1	0	0	3	1
Sex discrimination (includes sexual harassment)	8	6	9	3	5	1	2
Racial association	0	0	0	0	0	0	0
Race & sex	0	1	1	1	0	0	0
National origin	2	0	1	0	0	0	0
Racial and/or national origin	0	0	0	0	1	0	0
Religion	0	1	1	0	0	0	0
Retaliation	0	0	0	0	0	0	0
Sex & sexual orientation	0	0	0	1	0	0	0
Ancestry	0	0	0	0	0	0	0
Sexual orientation	1	4	0	1	0	0	1
Sex & association with person with disability	0	0	0	0	0	0	0
Race, national origin, disability, retaliation	0	0	0	0	0	1	0
HOUSING	0	0	0	2	1	1	0
Sex discrimination	0	0	0	0	0	0	0
Disability discrimination	0	0	0	0	0	1	0
Race discrimination	0	0	0	0	0	0	0
Sexual orientation & disability	0	0	0	0	0	0	0
PUBLIC ACCOMMODATIONS	0	1	3	0	1	0	1
Race discrimination	0	0	0	0	0	0	1
Race and/or national origin discrimination	0	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0
Disability	0	0	2	0	0	0	0
Sexual orientation	0	0	0	0	0	0	0
Religion & disability	0	0	0	0	0	0	0

BLOOMINGTON HUMAN RIGHTS COMMISSION

1998 - 2004 Comparative Data

	1998	1999	2000	2001	2002	2003	2004
New complaints within BHRC jurisdiction	14	21	14	10	10	8	5
No probable cause findings issued	7	3	2	5	7	1	2
Settlement agreements reached	3	7	8	1	1	3	0
Complaints withdrawn before determination issued	0	2	0	0	2	3	0
Cases still pending	5	11	4	5	4	3	3
Complaints drafted and forwarded to EEOC	16	25	20	12	16	10	20
Complaints drafted and forwarded to ICRC	1	1	3	3	1	3	0
Complaints drafted and forwarded to HUD	0	0	2	0	0	0	0
Complaints transferred to appropriate federal agency after partial investigation	2	0	5	0	0	0	0
Complaints dismissed for failure to cooperate	2	2	3	2	2	2	0
Complaints drafted but never signed	2	6	3	3	1	4	1
Affirmative action plans reviewed	72	121	134	149	132	91	67
Preconstruction/prebid conferences attended	11	12	19	15	12	4	4
Employer seminars and community speeches	26	22	11	12	7	6	6

BLOOMINGTON HUMAN RIGHTS COMMISSION

SUMMARY OF 2004 CASES

BHRC DOCKET #0597: An African American man said his employer, a hotel, had discriminated against him by terminating him for violating the dress code. He said a white woman who committed the same violation was not fired. Our investigation showed that neither the violations nor the work record of the employees were the same, and that the termination was not based on race. (Complaint filed in November, 2003; investigated by Commissioner Bangert; no probable cause decision issued in April, 2004; not appealed.)

BHRC DOCKET #0598: A woman who worked as a server at a restaurant said a male supervisor had sexually harassed her, and the owner failed to respond to her complaints. Our investigation established that the owner did respond to her complaint and that the harassment did not recur. (Complaint filed in November, 2003; investigated by Commissioner Huggins; no probable cause decision issued in March, 2004; not appealed.)

BHRC DOCKET #0599: A woman who worked at a hotel said her supervisor, a man, harassed her by being demeaning and unpleasant. She quit and filed a complaint of discrimination. Our investigation established that the workplace situation did not reach the level of a legally "hostile environment." (Complaint filed in February, 2004; investigated by Commissioner Metz; no probable cause decision issued in August, 2004; not appealed.)

BHRC DOCKET #0600: A gay man said that his employer, a store, had discriminated against him on the basis of his sexual orientation. He said managers at the store made some homophobic comments, reprimanded him unfairly and failed to honor his scheduling requests. He quit, alleging he had been constructively discharged, and filed a complaint with us. Our investigation established that he had not given his employer the opportunity to correct the problem, defeating his constructive discharge allegation. The alleged homophobic comments, while objectionable, were fairly mild and did not create a "hostile work environment" as the law narrowly defines that term. The store had no obligation to honor the scheduling request of a new employee. (Complaint filed in March, 2004; investigated by Commissioner Bowman; no probable cause decision issued in July, 2004; not appealed.)

BHRC DOCKET #0601: An African American woman said she wanted to buy an expensive dress. She saw a flaw in the dress and asked for a discount; the owner refused, instead fixing the flaw. She

saw another possible flaw in the dress and asked for another discount; the owner refused and after a heated discussion, refused to sell her the dress. She filed a complaint alleging discrimination in public accommodations on the basis of race. (Complaint filed in May, 2004; investigated by Commissioner Harlig; investigation pending.)

BHRC DOCKET #0602: A man with a disability was fired from his job working at a department store. He said that some of his supervisor's allegations were untrue and that his supervisor did not give him a chance to correct any real problems with his work. (Complaint filed in October, 2004; investigated by Commissioner Bangert; investigation pending.)

BHRC DOCKET #0603: A woman said she was harassed and intimidated by a male coworker. When she sought to file an internal complaint, her supervisor terminated her before she could fully describe the situation. (Complaint filed in October, 2004; investigated by Commissioner Huggins; investigation pending.)

BLOOMINGTON HUMAN RIGHTS COMMISSION

PUBLIC INQUIRIES

The Bloomington Human Rights Commission, by ordinance, has a fairly limited jurisdiction. We are authorized to investigate complaints of alleged discrimination on the basis of sex, race, sexual orientation, national origin, color, ancestry, religion or disability in employment, public accommodations, education or housing, as long as the complaints arose within the city limits of Bloomington within the past 180 days. We may organize educational efforts, such as seminars, talks, brochures, awards and essay/art contests, to combat discrimination. We may join forces with like-minded groups to achieve our joint goals. Fulfilling our mandate under the Bloomington Human Rights Ordinance keeps us more than busy.

However, perhaps because of the broad name of our commission, we often receive calls about matters that are not within our jurisdiction. We try to be familiar with the applicable laws and community resources, and we try to give the caller an appropriate referral or other helpful advice. In 2004 we received many calls, letters or emails which did not lead to complaints being filed with our office. Some people sought general legal information; some needed to be referred to other agencies; some seemed only to need a sounding board. What follows is a categorical breakdown and a summary of some inquiries for the purpose of illustration.

CATEGORICAL BREAKDOWN

Sexual Orientation: Approximately a dozen callers had questions or concerns about sexual orientation discrimination. These callers ranged from students wanting the definition of "sexual orientation" to gays and lesbians wanting to know their rights under our ordinance. Again this year, we had several calls from communities considering implementing their own sexual orientation ordinance, and were glad to provide assistance in this area.

Americans with Disabilities Act: We continue to receive many calls about the Americans with Disabilities Act. Most of the calls are from employers or employees wanting to know their rights and responsibilities under this federal law. The BHRC director, as the ADA compliance officer for the City, is quite familiar with the ADA and is able to give informed general advice.

Sexual Harassment: At least twenty-five callers (many not within our geographical jurisdiction) in 2004 complained of sexual harassment on the job. We usually advised them to use internal measures to solve the problem first. If this did not work, we told them to call us back, to file a complaint. Some never called back, some reported success with using the internal procedures and some filed formal complaints.

Housing Code Violations/Landlord Tenant Disputes: Many callers mistakenly believe

we have jurisdiction over housing code problems or landlord/tenant disputes that don't involve discrimination. We refer such calls to the city's code enforcement office and/or to a private attorney.

Wage Disputes: Employees who cannot obtain their last paycheck or pension benefits often call us. These cases do not usually have a discrimination element and are referred to the State Labor Board.

EEOC/ICRC Procedures: Local attorneys and complainants who have to deal with either the federal Equal Employment Opportunity Commission or the state Indiana Civil Rights Commission continue to report frustration in attempting to get even basic procedural questions answered, and often call us for information.

Workers' Compensation: We received several calls about workers' compensation in 2004. Our staff lacks expertise in this area and refers all such calls to private attorneys and the State Labor Board.

Other: Many of our calls do not fall under any of the categories. Some of those calls are described below.

OTHER INQUIRIES

A woman left a message saying she was calling on behalf of her sister, an Asian immigrant. She said her sister was having problems finding housing, because agencies that help with housing were refusing to accept her documents. She said that her sister receives Social Security, and she believes the agencies are refusing to help because her sister is Asian or because her sister receives Social Security. Left a message asking her to call back, but she did not.

Email writer, an African American woman and a Bloomington resident, said her brother had been in jail in Alabama for years for attempted murder. His sentence was 22 years; he's now in his ninth year. Her brother stabbed a white man, but the white man didn't even require medical services. The prison says he won't be paroled early because his crime was so "horrible." She wanted advice on how to win parole for him. Told her that criminal law, Alabama law and parole are not our areas of expertise. Urged her to contact the brother's original attorney or another Alabama attorney, to find out more about his record in prison, and to attempt to organize a letter-writing campaign to the parole board on his behalf. Also suggested trying to get an African American newspaper or columnist interested in issue, and calling Alabama NAACP or state civil rights commission for local referrals.

Email writer said that she had a friend who didn't have heat in her apartment. She said her friend had fallen out of her chair several times and hurt herself. She asked for advice; referred her to HAND if the apartment is in the city limits and a private attorney if it's not; also to South Central Community Action Program if the friend needs help paying for heat.

Caller was concerned about story in H-T which described two people at a restaurant verbally harassing a group of people with developmental disabilities. He said he wanted to make sure that offenders' sentences were enhanced to account for the aggravating circumstances of the victims' disabilities. Thanked him for his concern and suggested he call the prosecutor's office.

Letter writer complained about being denied modeling opportunities. He said arts organization was running "the place as a dictatorship." He has complained to the BHRC before. Responded with letter explaining, again, his right to file a complaint if he feels that he is being discriminated against on the basis of sex, and with names of board members of arts organization.

Caller, from outside Bloomington, said she worked in a kitchen. She said that her boss told her it was ok to take pictures of unsanitary conditions in the kitchen. The boss said she would take the pictures to her supervisors. The caller took the pictures for three months, but nothing happened, even though the caller said she would take the pictures to the health board if nothing happened. She did take the pictures to the health board, and then was fired for what she called "trumped-up" charges. She is now receiving unemployment benefits. She wanted to know her rights as a whistleblower. Referred her to her county board of health, the state board of health, a private attorney and/or her state representative or senator. She was perturbed that the BHRC "did not care enough about her rights" to represent her.

Woman said that her daughter was in the Monroe County Jail and that her human rights were being violated. She said that her daughter had been told that the jail would not provide her with medicine until she "named names" in her case. Referred to Jail Commander Bill Wilson and to the ICLU; asked her to call back if problem not resolved; she did not.

Caller left a voice mail message saying that he understood we accepted reports of hate incidents. He said, "The City of Bloomington must really hate its residents because it does such a poor job of getting ice and snow off the sidewalks." He did not leave a name or phone number.

Email writer said that she had attempted to subscribe to a movie channel and then found out the movies were not closed captioned. She wanted to file a complaint, perhaps with the BHRC. Explained that her best avenue for redress would probably be with the FCC. FCC rules require cable operators to provide closed captioning; ADA is more vague about when and if closed captioning has to be provided. She said the feedback was very helpful.

Email writer said that her husband obtained a divorce in Indiana (not in Monroe County) while she was living in Louisiana and seven months pregnant. She said she asked her husband's attorney to stop the divorce proceedings until she delivered, and he agreed to do so. But the divorce proceedings continued, and both her husband and his attorney told the judge she was not pregnant (apparently she didn't appear in court). She said she brought it up in her "real" (unspecified) court case but "everyone wanted to overlook the mistake they had made. None of them had to answer for those actions. I wonder if my human rights were violated; they sure felt like they were." Explained that we had no jurisdiction over this type of issue; suggested she talk

to a private lawyer or Legal Services about her rights and her child's rights; suggested she contact the Indiana State Bar if she felt her husband's attorney had acted unethically.

Caller said that she accidentally saw the paycheck of another female employee with less seniority than she. She saw that her fellow employee was paid more than she was, and she asked her boss if she was doing anything wrong. He yelled at her and told her she should not talk to coworkers about pay. She wanted to file a complaint, but there was no evidence of a civil rights violation or other law violation.

Caller asked for form to give her employer to explain that she needed a transfer as a reasonable accommodation. Explained that we don't have such forms, and that her employer's human resources department probably had procedure for requesting accommodation pursuant to the ADA.

Caller said that he worked with people with disabilities. One of his clients rents a house. The landlady is requiring the tenant to commit to next year's lease or she will show it and maybe rent it to someone else, and is also requiring the tenant to have someone agree to pay the rent if he can't. Told him that the first requirement is legal; the second requirement may be legal, if she requires this for all tenants who may have financial problems.

Caller asked for help in finding a third party to be present when her daughter and her ex son-in-law transfer their child from one to the other. She's willing to pay for the service. Referred her to Pam Huggins, hoping that a social work student or professional might be interested in the opportunity.

Caller said that a complaint charging her with pregnancy discrimination had been filed with the EEOC (we prepared the complaint and filed it for the complainant). She said she had never been charged with discrimination and didn't know what to do. Told her to call the EEOC; she said their number was not on the letterhead. Gave her the number and walked her through the process.

Caller, a middle-aged man, said that he had many financial, emotional and legal problems because the state had placed in foster care during most of his childhood. He said that the state did not offer assistance to his mother, who was a "good mother with problems," the way it would today. He said that he believed the state should help him out with credit problems, which he said stemmed from the abuse he suffered in foster care. Referred to the Indiana Civil Liberties Union.

Email writer, director of another human rights agency in Indiana, asked if her city needed an affirmative action plan and how BHRC monitors bidders' affirmative action plans; answered questions.

Letter writer said he was arrested for voyeurism in 1998 in public park (not in Monroe County). He was walking in the park, bending over to remove some burrs, when police arrested another

man for indecent exposure. Because the letter writer looked at the person being arrested, he was arrested for voyeurism and called homophobic names. The charge against him was dismissed; he sued in federal court and lost. He has heard rumors that the police are out to get him for suing them. Referred to his attorney, ICLU and local board of public safety.

Caller asked if landlord could require social security number to do credit check on prospective tenants. Yes. Law says that you don't have to provide social security number in many cases, but if you don't, entity that wants your number does not have to provide you with service.

Caller had questions about whether ADA protects alcoholics. His friend had come to work drunk, had missed a lot of work, had been arrested and was currently in jail. Employers may be required to offer employees unpaid time for rehabilitation, but don't have to tolerate employees who come to work drunk, have attendance problems, etc.

Email writer wants his employer to provide domestic partnership benefits. Asked how the city decided to offer such benefits; answered questions.

Email request from the Trichirapalli District in the State of Tamil Nadu in India applying for a grant to help "aged disabled persons;" asking that the grant money be sent by wire transfer to bank in India; ignored.

Email writer said his accessible parking spaces were located in lower parking lot; people have to climb steps from this lot to use accessible entrance. Told him that accessible parking spaces need to be nearest the accessible entrance and on a level location, not steps below entrance.

Caller complained about parking at Showers. He has a disability and said he read the sign in the city parking lot, which he said tells people with disabilities to park on the north side of the building. He parked on the north side of the building and tried to enter through the north entrance, but that entrance is now locked. So he had to walk to the south (main) entrance. The sign in the parking lot in fact tells people to park on the north side of the lot (next to the ramp which leads to the south/main entrance) and not on the north side of the building.

Email writer said she was trying to understand the recent anti-Semitic incident (in which a Jewish student had "Jew" and swastikas painted on his car). She asked about the profile for the type of person who would do this. Replied that from what we know, offenders in these cases are usually young and male. They sometimes feel they have been victims of reverse discrimination. They sometimes have minority heritage which they deny. But no profile explains all cases.

Caller left a message saying her landlord had taken away her accessible parking space because she hadn't displayed the accessible placard in her car for a few days. By the time we returned the message, the landlord had agreed to reinstate the parking privilege.

Caller said that months ago, she had found bits of broken glass in the meat she had purchased from a store. She threw away the meat but now wanted us to investigate. Told her she should

contact the store and the Monroe County health board, and if such a thing ever happens again, to save the food.

Caller said that last year, a restaurant gave mothers free meals on Mother's Day. She called to make reservations for this year's meal, and asked if they were having the same offer again this year. She was told they were, but when they went to the restaurant on Mother's Day, they were told there was no such offer. Not an issue for the BHRC. Suggested she call the owner and explain the snafu; the owner may make an offer to maintain good will.

Caller upset about religious symbol on the courthouse lawn; referred to Monroe County Commissioners.

Email writer, a middle school teacher who had invited McKinney to speak to several classes, asked for additional copies of our activity book. Her students are distributing the books to third grade classrooms and talking to them about diversity issues. Provided copies.

Email writer wrote the following: "I was wondering what your opinion of a labor union's apprenticeship program training you to be an apprentice. But allowing you to sign up as a journeyman. Would you not think that was a little funny? An apprentice program still has to abide by the law. If there was a disability involved would that be discrimination? Or even age-based? What is the statute of limitations in filing a claim on this act and what other agencies would handle such a claim and their statute of limitations?" replied by saying that the first question would best be asked of the NLRB; answered questions about agencies and statutes of limitations. He responded by asking what NLRB stood for, could the statute of limitations be extended if you were too disabled to file a complaint and what the "Equal Rights Commission" was. Tried to answer questions.

Caller said her landlady was refusing to renew her lease. She did not believe this was because of her race, sex, religion, etc., but said that the landlady would not give a reason, and legally, she has to give a reason. Explained that no law requires the landlord to give a reason for not renewing, just as no law requires tenants to give a reason for not renewing. She said that unknown people in the neighborhood are determined to drive her insane, that they make noise outside her apartment, that they conspire to make sure she can't sleep more than 3 minutes and 14 seconds at a time, that they talk openly outside her window about her sleep habits, etc. She had already talked to the police and a lawyer, who said without evidence she can't do anything. Suggested she talk to the police again, perhaps including filing a noise ordinance complaint, that she tape the conversations people have outside her window (but she said they can't be heard on a tape) and that she buy a white noise machine. She said she plans to go to the media about the situation.

Caller said he worked for company not in city limits. He has an illness that has recently led to his needing to use a wheelchair. He worked with Voc Rehab to get the materials and services he needed to maintain his ability to work in his current job, and he made other sacrifices to keep his job, including hiring an assistant out of his own salary and buying a house from his employer at

top dollar because of its convenient location for him. Without notice, his employer fired both him and his assistant. Discussed possible avenues of redress; he may call back if he wants us to help file a complaint with the ICRC, or he may retain his own attorney. Later, met with us and filed complaint with EEOC and ICRC.

Email writer asked if apartment buildings have to provide the ADA-required number of accessible parking spaces, with access aisles, or if they just have to provide accessible spaces upon request and provide access aisles if needed. On-request is all that is required for private housing.

Caller said his wife had gotten restraining order against him without notice. He said this was illegal discrimination. He said her injuries were from her falling out of bed during seizures, not from him. Referred to private attorney.

Email writer wrote on behalf of African American student who had seen a sign at a bar that said, "No jerseys, no skull caps, bandanas, or 'dew rags.' No bling-bling, no underwear showing and no shitty attitudes." Some students were making a videotape of the sign when an employee came out and removed it. Advised the writer that the student could file a complaint of discrimination on the basis of race in public accommodations, but student has so far not pursued. Apparently the sign has not been reposted.

Email writer wrote Bloomington United about an incident at a restaurant. He said he, an Asian, and two African American friends went to a restaurant at 1:50 p.m.; they close at 2. People already seated were served complementary soup and salad, but email writer and his friends weren't. He complained but was told they wouldn't get soup and salad. He called the police, perceiving the treatment as an injustice, and the officer said he couldn't believe he had called BPD about this. Advised him of his right to file complaint of race discrimination in public accommodations, probably with ICRC because McKinney eats at this restaurant frequently. Writer did not follow up with BHRC.

Caller, five months pregnant, said she had interviewed for a job. She told the interviewer she was pregnant and explained when she would need to be off for a c-section. She told the interviewer she was willing to take full-time or part-time work. The interviewer said she was hired and said she would call her with information about the first day of work, but never called. Caller called her; interviewer said they had decided not to hire her because she is pregnant and because they may want a part-time employee instead. Woman is concerned about filing a complaint as it may hurt her reputation; said she would think about it and get back with us, but did not.

Email writer, a recent law school graduate, sent a cover letter addressed "to whom it may concern" and a resume. She said in her letter that she knew that the BHRC did "extensive work in trademark and patent law" and asked to be considered for any opening. Replied that the BHRC did no work in these areas and wished her good luck.

Email writer asked BHRC to write letter urging his employer to provide domestic partnership benefits.

Caller said he was told by the state of Indiana that ADA requires curb cuts to be painted red. Not true; wrote letter and convinced state it was wrong.

Email writer asked if new, two-story townhouses had to be accessible to people with disabilities. No, Fair Housing Law doesn't apply, since these apartments have no elevators (which would mean all units in buildings with four or more units have to be accessible) and were not "ground-level" apartments (since each townhouse has two stories, none are legally "ground-level" apartments, which have to be accessible).

Caller, an African American woman, said she knew of several capable African Americans who had applied to work for an employer outside the city limits. She said none had gotten a job, and she believed the company didn't employ any African Americans. Urged her to have the people she knew call BHRC to file complaints. No follow up.

Woman said that her boss, a woman, had harassed her for five years, calling her derogatory names, yelling at her, etc. She said her boss rarely came to work and when she didn't, she was hung over and/or spent all of her time on the internet. She said the stress was so bad, she asked for and received a transfer, but her new boss was friends with her old boss, and things did not improve. She had to take time off for a medical problems and this made her new boss mad, because she (the boss) had to work. So when the caller returned, things got even worse, and the caller quit. She won unemployment benefits, but the employer appealed, and she wanted representation at the hearing. Told her we could not represent her at the hearing; referred her to Indiana Legal Services. She is considering filing a complaint of sex and/or disability discrimination in employment. Her employer is not in the city limits.

Caller said that her landlord, from whom she had rented for five years, had just hired a new, "wonderful" manager. The manager is requiring all tenants to fill out an application. One of the questions is "Have you ever been divorced? If so, explain." Caller didn't mind answering this question honestly, but wanted to know her rights. It's not illegal sex discrimination (although it's likely a poor business practice) to refuse to rent to people who have been divorced, or to refuse to rent to people who have not been divorced. If a landlord refused to rent to divorced women but was willing to rent to divorced men, that would be illegal sex discrimination. But marital status is not a protected category under local or federal law, and asking this question is not illegal.

Visitor to office said that her daughter, an adult, was living in Section 8 housing. Her daughter got behind in paying utilities and the landlord said she needed to move out or he would evict her. The mother said that landlords should not be able to do this, as they should know that Section 8 tenants frequently have financial problems. She said that Section 8 tenants are easily intimidated by their landlords. She said that the daughter, who is a member of a protected class, might file a complaint, but did not. We contacted Bloomington Housing Authority about coming up with a

brochure or flyer on tenants' rights and responsibilities under the law.

Email writer, director of another local human rights commission, asked if it would constitute religious discrimination for a Christian-affiliated social services agency to refuse to accept applications for services from people affiliated with another Christian organization. Yes, possibly; it would be religious discrimination for a Protestant store owner to refuse service to a customer because the customer is Methodist, even though both are Christian. But the agency mentioned in the inquiry may not meet the definition of employer or provider of public accommodations found in human rights laws.

Caller said that her former employer had fired her while she was on FMLA. Started to refer her to appropriate federal agency, but she said she had already pursued the matter successfully and won enough money to start her own small business. She said her former coworkers who still work there are not treated fairly. Women who have worked there for years get paid less than new male employees and have limited chance for advancement. Women who return from medical leave are given the hardest jobs, and if they have medical restrictions, they are fired. Urged her to have the women call BHRC to file complaint, or at least discuss the situation; women made appointment but didn't show.

Email writer said that new restaurant's sidewalk dining area violated City's clear and straight path requirements. Referred to Public Works to investigate; tables comply with sidewalk rules.

Caller said that he worked as an independent contractor. His supervisor is good friends with a man he has to work with from time to time, and this coworker has repeatedly harassed the caller on the basis of his sexual orientation. Caller said that he has brought concerns to his supervisor before with no response; the supervisor avoids confrontation and takes his friend's side of disputes. Human rights ordinance does not apply to independent contractors.

Caller said she had filed a complaint with the EEOC, alleging that her employer paid less qualified male employees more than she was paid for similar work, and gave such male employees more annual vacation time. Employer not subject to BHRC jurisdiction. She had questions about EEOC's mediation process and whether she needed an attorney; answered questions and gave general advice.

Email writer said that a teacher in his county (not Monroe County) had been outed as a lesbian and told to find another job. Writer knew that sexual orientation was not a protected category under state civil rights law, but asked if Governor O'Bannon's executive order prohibiting discrimination on the basis of sexual orientation in state agencies would apply. (Governor Kernan reaffirmed this policy when he took office.) Probably not, as school systems are not state agencies.

Caller said she was on SSI. She applied for a job, not within Monroe County, that would have required her to work three to four hours a week. Her doctor said she could do this work, provided she didn't lift more than 70 pounds. The prospective employer repeatedly required

additional medical documentation that caller felt she should be able to keep private. Referred to EEOC.

Caller said that she was an African American woman with one child and another on the way. She said that subsidized housing provider, not subject to the jurisdiction of the BHRC, had yet to rent her an apartment, instead renting first to gay couples. She said the provider would not give her a three-bedroom apartment because her baby is not yet born, yet gives two-bedroom apartments to gay men “who don’t need two bedrooms.” She said she knew the men were gay because of their appearance. Referred to Indiana Civil Rights Commission and/or HUD.

Caller said that she has a Section 8 apartment. She wants out of the lease, and the housing authority says she can get out of the lease if the landlord agrees. The landlord will not let her out of the lease but will evict her, but she doesn’t want an eviction on her record. She said that the landlord is discriminating against her because of the type of dog she has, a Chow. He does not criticize other people’s dogs, including Rottweilers. Told her that discriminating on the basis of type of dog was not illegal discrimination, unless her dog is a service animal, or unless he treats owners of Chows from different races/religions/etc. better.

Caller asked if it is legal for landlord to rent only to Section 8 tenants; yes, not being on Section 8 does not mean you are in legally protected class.

Caller, a gay man, said that he was offended that we used the word “faggot” in our hate incident report but used “n _ _ _ _” for “nigger.” He said both were equally offensive. We agreed to correct this in the future.

Email writer asked for information about local gay Republicans; gave referral.

Caller said she saw racist (anti-Asian) graffiti on electrical box near Showers. Referred to people who could fix the problem; problem corrected.

Woman left message saying that her landlady had repeatedly discriminated against her husband, a Latino. She said they were in the process of divorcing, and she didn’t have a phone, but we should talk to her husband. We left a message but he did not return our call.

Email writer asked if smokers are a “protected class” under the law; yes, to an extent; Indiana has a law prohibiting employers from discriminating against employees on the basis of smoking. However, employers are not required to allow employees to smoke at the business site.

Email writer asked if she could require an employee who has been off on disability leave to provide medical documentation saying she is fit to return to work; yes, allowed under the ADA. Medical information should be shared only with employees who need to know, and should be kept separate from personnel records in a secure location, but it is legal to require such documentation.

Email writer asked, for the third or fourth time, about where to find an accessible apartment

where she could live with both her mother and brother, who have disabilities but don't yet live in Bloomington. Answered, as always, with some suggestions. We filed a complaint with HUD for this woman in 2001; she repeatedly emails us to find out what happened with her case; repeatedly, we refer her back to HUD. A housing consultant for the State of Indiana called to find out about this case; he couldn't understand why it had been referred to him unless the woman had complained profusely to the governor's office. We told him that was quite possible and gave him the information we had about the case.

Caller, a landlord, said that one of his employees had a dispute with a man and called the man homophobic names. The man called the landlord to complain (he knew whom to call because of the name on the truck the employee was driving). The man wanted the employee reprimanded, and the landlord did so. Then the man wanted the employee's name, home address and home telephone number. The landlord asked us if he had to provide that information; no. Asked how he should handle the case; suggested he document everything thoroughly. The man told the landlord that he would be filing a complaint with the BHRC but did not contact the BHRC. The situation might be a hate incident, but not a case of discrimination in employment/public accommodations/housing or education.

Email writer, who has autistic spectrum disorder, suggested that the human rights ordinance be amended to include to protect people with this condition from discrimination. Told him that ordinance already prohibits discrimination on the basis of disability, and if his condition meets the definition of disability, he would be protected from discrimination. Wanted suggestions on educating public about his condition; suggested talking to HT feature writer.

Email writer wanted copy of agreement from 1983 case; found.

Caller wanted information about ballot questions and state judge on the November ballot; referred to www.citizenstoolkit.com.

Caller, a board member of a nonprofit agency, wanted information about how to deal with dispute between employees and director; provided general advice.

Email writer said that a friend of his was arrested (charges were eventually dropped) and was asked by the processing officer, "Do you have affections for people of the same gender?" The friend hesitated before answering, and the officer then rudely asked, "Do you like guys?" The email writer wanted to know if this was legal. Reply was that there was no law against this, and such a question could be pertinent in some circumstances; offered to talk to head of police department if appropriate; email writer said he would get back to us, but did not.

Caller asked if landlord would have to allow large service animal if only a large animal will meet the needs of his disability; probably yes, depending upon the size of the apartment and the dog. He asked if landlords are required to allow tenants to have therapeutic animals; yes, if a health care provider says the tenant has a disability which will be assisted by the animal. He asked if landlords may charge extra security deposits for large service animals; no. The landlord may charge for actual damages caused by the animal, if any, but may not charge an increased security

deposit for the larger service animal. He asked for a letter explaining this; provided; he was extremely grateful.

Email writer said that restaurant's new accessible parking space was not striped in blue paint as required by law. State law requires these stripes be blue, but also says that if the spaces comply with federal law, then they are acceptable; federal law does not specify a color.

Email writer said that restaurant did not have required grab bars in its men's restroom. But it does have required grab bars in its women's restroom; women's restroom is designated as women's/accessible restroom. This is acceptable under the ADA (only one person uses this restroom at a time).

Email writer, from northern Indiana, said that he was being discriminated against because he is a pagan. He said his ex-wife won custody of their children because of his religious beliefs; that when he tried to open a business selling pagan materials the police told him he had to close; that his ex-wife blackmails him for money by threatening to show an explicit videotape of him and her to their children and the police do nothing about it, etc. Referred to Indiana Civil Liberties Union and/or the Indiana Civil Rights Commission.

Email writer said that landlord at "affordable" apartment complex was raising rents, making them ineligible for Section 8 assistance. Wanted to know if this is a violation of the Bloomington Human Rights Ordinance; no; wanted copies of documents filed with the city when the city approved tax abatements; referred to city clerk and to city council attorney. Landlord later changed policy; current Section 8 tenants may stay.

Caller applied for a job and was told that the employer would hire only IU students. Wanted to file a complaint of discrimination, but discriminating against non-students is not illegal. (Employer received funding from IU and thus required that employer hire only students.)

Caller said he is planning to renovate restroom in a building; the building is used by the public but only employees may use the restroom. He said that it would be very unlikely for any employee at this facility to have a disability because of the nature of the work, and asked if the restroom had to meet ADA specifications. Could find no exemptions for such a situation.

Email writer wrote on behalf of young man who was told by his employer that they weren't pleased with him because he was not a team player; he didn't participate in company social events and gatherings with his family. The employer didn't know that the man was gay; he told them that he hadn't participated because his partner is a man. The employer fired him. Company not in the city limits. No state law prohibits discrimination on the basis of sexual orientation. Gave general advice.

Email writer said she worked for a child care facility. One of the children has parents who have never been married, but the dad's name is on the child's birth certificate. His paternity has never been legally established or doubted. The mother told the facility not to release the child to the

apparent father. She said she had full legal custody and he had no rights to the child. The email writer asked if the facility had to go by the mother's wishes. Referred to Office of Family and Children.

Email writer said that her son was hospitalized and overly medicated at the facility where he is being held; she also said that the child was being molested. Asked for advice; suggested she call a private lawyer, ICLU, and/or try to get a court-appointed special advocate appointed for her child.



OUT OF THE MOUTHS OF BABES

Each year the BHRC sponsors an essay/art contest for local school-age children. The following are excerpts from some of this year's winning entries. The theme was "Bloomington: Where the World is at Home."

♦ "It does not matter what color of skin you have. You are accepted! We like ideas from different people. Many people call Bloomington home. It does not matter what you look like, it matters what you have on the inside."

♦ "People judge other people by their skin color. They say it's different. But everyone's skin is different from everyone else. Also if one person does something bad, that doesn't mean that everyone of that race is bad. I've been seeing a lot of that with the war on Iraq and everything. Besides, if that were true, wouldn't we be considered bad too?"

♦ "I feel very lucky to be able to live in a diverse city like Bloomington. Although I have lived in many different countries like Singapore, Malaysia and India, I feel at home here in Bloomington. Here, many cultures seem to merge into one another. People are very educated and tolerant."

♦ "Every person is different. Sitting on your porch, watching the sun come up, opening a new and different day. The people you see are just like you. Living life the way you do. Making it through, just like you."

♦ "I have learned many things from my experiences in Bloomington. One thing I have learned is that even if two people from different countries have the same religion their customs are very different. For example they celebrate their holidays differently but for the same cause. Also, I have learned that even people from the same country can have differences in language, religion and culture."

STEPS IN PROCESSING A FORMAL COMPLAINT

- 1. Complainant who believes he/she has been discriminated against makes an appointment with the director.**
- 2. The director or assistant interviews the complainant to determine if the BHRC has jurisdiction. If we do, the complaint is written, signed and notarized. If not, the complainant is referred to the appropriate agency.**
- 3. The respondent is notified of the complaint and has 20 days to respond.**
- 4. The case is assigned to a commissioner, who will investigate the complaint along with the director.**
- 5. The director and investigating commissioner collect and summarize the facts. They interview both parties and witnesses, do legal research and collect documentation to obtain the best evidence available for each side.**
- 6. If the respondent wishes to settle the complaint before an investigation is completed, the director and investigating commissioner mediate a settlement between the complainant and respondent. This agreement must then be approved by the full BHRC.**
- 7. If the case is not settled, the director and investigating commissioner, after a complete investigation, make a determination that probable cause or no probable cause exists to believe discrimination has occurred.**
- 8. Both parties are notified of the finding.**
- 9. If the finding was no probable cause, the complainant has 10 days in which to file a written appeal with the Chair of the BHRC. A hearing is then held and the Chair has 20 days to either uphold the finding or overturn the finding.**
- 10. If the finding is probable cause, the director and investigating commissioner attempt to reach a settlement that is agreeable to both parties. If the attempt is unsuccessful, the BHRC will hold a formal public hearing. The BHRC's decision after the hearing can be appealed in court by either party.**

2004 BUDGET

<u>SPENT</u>	<u>APPROPRIATED</u>
BUDGET TOTAL: \$80,823.97	\$82,654.00
Salary (for $\frac{3}{4}$ time director/attorney and half-time secretary) \$56,039.00	\$56,039.00
Employee benefits 15,940.00	15,940.00
Office supplies 1,239.97 (\$134 transferred to other supplies, \$935 transferred from law library)	500.00
Law library 2,507.00 (\$935 transferred to office supplies)	3,500.00
Other supplies 208.34 (\$134 transferred from office supplies)	75.00
Instruction 240.00	800.00
Consultants and workshops 260.00 (transferred \$60 from advertising)	200.00
Telephone 20.31	200.00
Travel (none spent due to city budgetary constraints) 0	850.00
Printing 2,939.57	2,500.00

(transferred \$440.00 from advertising)

Advertising	500.00
0	

(transferred \$440.00 to printing,
transferred \$60 to consultants and workshops)

Dues, subscriptions, memberships	300.00
185.00	

Essay/art contest	1250.00
1,244.78	

2005 BLOOMINGTON HUMAN RIGHTS COMMISSION

MEETING DATES

January 24, 2005	5:30 p.m.	McCloskey Room
February 28, 2005	5:30 P.M.	McCloskey Room
March 28, 2005	5:30 p.m.	McCloskey Room
April 25, 2005	5:30 p.m.	McCloskey Room
May 23, 2005	5:30 p.m.	McCloskey Room
June 27, 2005	5:30 p.m.	McCloskey Room
July 25, 2005	5:30 p.m.	McCloskey Room
August 22, 2005	5:30 p.m.	McCloskey Room
September 26, 2005	5:30 p.m.	McCloskey Room
October 24, 2005	5:30 p.m.	McCloskey Room
November 28, 2005	5:30 p.m.	McCloskey Room
December 26, 2005	5:30 p.m.	McCloskey Room

The Human Rights Commission meets every fourth Monday of the month.

Unless specified, meetings will be held in the Showers Building, 401 N. Morton St., McCloskey conference room #135, on the first floor. The public is welcome to attend.

FORMER COMMISSIONERS

1960s

Rev. E. Daniel Butler	David S. McCrea	Bill Hayes
Mrs. David Dansker	Dustin McDonald	Dr. Harry Day
Jack N. Ray	Mrs. Betty Rowan	Samuel M. Loescher
Dr. Harry Yamaguchi	Robert F. Terry	E.E. Bridgewaters
William H. Andrews	Regina Friedman	Rev. Joe Emerson
Rev. Robert Kirk, Sr.	Irving Fell	Brad Bayliss
Rev. A. Hardy Nall, Jr.	Mrs. Russell DeMotte	
Craig Tregilgas		

1970s

Frank Thomas	Howard Canada	Jorge Oclander
Clarence Gilliam	Christine Iannucilli	Mary Foster
Dr. Joseph Russell	Daniel Gad	Tula Kavadias
Dr. Jerry Ruff	Valerie Tarzian	Mark Schenk
La Verta Terry	Robert Tucker	Charles Webster
Frederick LaCava	Quincy Erickson	Joan Simkowitz
Christine Mitchell	Mary Hayes	William Jairrels
William Gephart	Rev. Joseph Walker	
Wilanna Smith	Mary Mitchell	Richard Randall
John Irvine	Ronald Foley	Rev. William Webster
Tobiatha Eagleson	Fran Koski	David Jimenez
Viola Taliaferro	Robert Epps	Robert Cole
Father Robert Borchertmeyer		

1980s

Robert Cole	Bob Tucker	Roscoe Ellis
John Pickel	Ben Waxler	Bob Dunn
Quincy Erickson	Frona Powell	Edwin McClean
Tobiatha Eagleson	Nora Peoples	Rev. Charles Rogers
Ron Foley	Lorraine Rodts	Mary Ellis
George Foster	Lorelei Meeker	Wanda Reisz
Tula Kavadias	Bridget McKinney	Lauren Robel
Christine Mitchell	Chris Gardner	Cassandra McConn
Jorge Oclander	Jerry Vuke	
Doris Sims	Wilanna Smith	

1990s

Harry Yamaguchi	Marie Phillips	Patty Muller
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Mary Ellis	Charlie Laganza	Doug Bauder
George Foster	Barbara Fawcett	Dr. Fritz Lieber
Henry Hofstetter	Bob Dunn	Gwen Jones
Steve Sanders	Lauren Robel	Byron Bangert
Dr. Michael Wenzler	Rev. Greg Wilson	Jack Hopkins
Alan Yip	Barbara Wolf	David Reidy
Rev. Michael Anderson		

2000s

Dr. Fritz Lieber	David Reidy	Rev. Michael Anderson
Steve Sanders	Josh Cazares	Vicki Pappas
Doug Bauder	Suzette Sims	
Melanie Castillo-Cullather		

